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**USDS SDNY
DOCUMENT
ELECTRONICALLY FILED**
DOC #: 10-30-08
DATE FILED: 10-30-08

Via FACSIMILE 212-805-6326

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl St., Room 640
New York, NY 10007

Re: *Burberry Limited v. Euro Moda, Inc. et al.*
Southern District of New York, Docket No. 08 CV 5781 (CM)(AJP)

October 30, 2008

MEMO ENDORSED

NO - NO - I have *folded*
NO - you *what* + do -

Colleen McMahon

10/30/08

Dear Judge McMahon:

We are in receipt of your October 27, 2008 Endorsed Memo authorizing Burberry to file its summary judgment motion under seal.

Burberry appreciates the protections afforded by sealed motion. Absent a protective order, however, there are no court-ordered prohibitions to enforce against the improper use or dissemination of the highly sensitive commercial information that will accompany Burberry's summary judgment motion. For example, Burberry intends to submit evidence proving the counterfeit nature of the Defendants' merchandise. This evidence will provide insight into the discrepancies between authentic and counterfeit Burberry merchandise. Such information is highly confidential and should be guarded by a protective order.

OCT 31 2008 -12 00 PM

Burberry respectfully requests the opportunity to formally move the Court for entry of a protective order before filing its summary judgment motion. This would provide Mr. Fanning (the only party who did not stipulate to the order) to object or respond to Burberry's motion. Burberry would then file its summary judgment motion promptly following the conclusion of the briefing and the Court's decision on the protective order motion. Burberry's request would not significantly delay the resolution of this matter and will serve to safeguard Burberry's sensitive commercial information.

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Thank you for Your Honor's consideration in this matter.

Respectfully submitted,


Michael J. Allan
(esq.)

cc: Kirk G. Downing, Esq.
John Smargiassi, Esq.
John Fanning
(via electronic mail)